

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MICHAEL LADNER, ) 2:09-CV-00253-PMP-LRL  
Plaintiff, )  
vs. )  
MICHAEL J. ASTRUE, ) **ORDER**  
Commissioner of Social Security, )  
Defendant. )

## ORDER

On June 30, 2010, the Honorable Lawrence R. Leavitt United States Magistrate Judge entered a Report and Recommendation (Doc. #29) on Plaintiff's Motion for Reversal and/or Remand of the Administrative Law Judge's Decision/Administrative Determination (Doc. #20). After extensive analysis, Magistrate Judge Leavitt concluded that Plaintiff's motion (Doc. #20) should be granted to the extent that the decision of the Defendant Commissioner of Social Security should be reversed and the action remanded for further proceedings. Magistrate Judge Leavitt further found that Defendant's Cross-Motion to Affirm the Judgment of the Commissioner of Social Security (Doc. #23) should be denied.

On July 19, 2010, Defendant filed an objection to Magistrate Judge Leavitt's report and recommendation (Doc. #30). On July 30. 2010, Plaintiff filed an Opposition to Defendant's objections (Doc. #32).

1 Having read and considered the foregoing the Court has conducted a de  
2 novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1)(B)  
3 and Local Rule IB 1-4 and determines that Defendant's objections to Magistrate  
4 Judge Leavitt's Report and Recommendation (Doc. #30) should be overruled, and  
5 the Report and Recommendation of Magistrate Judge Leavitt should be  
6 **AFFIRMED.**

7 **IT IS SO ORDERED.**

8 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Reversal and/or  
9 Remand of the Administrative Law Judge's Decision/Administrative Determination  
10 (Doc. #20) is **GRANTED** to the extent that the decision of the Commissioner of  
11 Social Security is hereby **REVERSED**, the action **REMANDED** to further  
12 proceedings to be consistent with the Report and Recommendation of Magistrate  
13 Judge Leavitt (Doc. #29).

14 **IT IS FURTHER ORDERED** that Defendant's Cross-Motion to Affirm  
15 the Judgment of the Commissioner of Social Security (Doc. #23) is **DENIED**.

17 DATED: August 4, 2010.

18   
19

20 

---

PHILIP M. PRO  
United States District Judge